

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 511 be amended to read as follows:

- 1 Page 1, after line 17, begin a new paragraph and insert:
2 "SECTION 3. IC 13-18-12-8 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
4 **UPON PASSAGE]: Sec. 8. (a) If a person who operates a publicly**
5 **or privately owned wastewater treatment plant:**
6 (1) **discovers that a contaminant has entered the wastewater**
7 **treatment plant that would pose a threat to human health or**
8 **animal life if the contaminant is not effectively treated before**
9 **the contaminant is discharged into the waters of Indiana; and**
10 (2) **determines the wastewater treatment plant is not able to**
11 **effectively treat the contaminant;**
12 **the person must notify the department of the presence of the**
13 **contaminant at the wastewater treatment plant not more than**
14 **twenty-four (24) hours after the person determines the wastewater**
15 **treatment plant is not able to effectively treat the contaminant.**
16 (b) **If the department receives notification from a wastewater**
17 **treatment plant under subsection (a), the department must:**
18 (1) **notify all appropriate state and local government agencies;**
19 **and**
20 (2) **begin notifying the media;**
21 **not more than forty-eight (48) hours after receiving the notification**
22 **under subsection (a)."**
23 Page 4, between lines 36 and 37, begin a new paragraph and insert:
24 "SECTION 9. IC 13-30-6-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who intentionally, knowingly, or recklessly violates:

- (1) environmental management laws;
- (2) air pollution control laws;
- (3) water pollution control laws;
- (4) a rule or standard adopted by one (1) of the boards; or
- (5) a determination, a permit, or an order made or issued by the commissioner under environmental management laws or IC 13-7 (before its repeal);

commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of a Class D felony under this section (or IC 13-7-13-3(a) before its repeal) may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be punished by:

- (1) a fine of not less than ~~two five thousand five hundred~~ dollars ~~(\$2,500)~~ **(\$5,000)** and not more than ~~twenty-five fifty~~ thousand dollars ~~(\$25,000)~~ **(\$50,000)** per day of violation; or
- (2) if the conviction is for a violation committed after a first conviction of the person under this section (or IC 13-7-13-3(a) before its repeal), a fine of not more than ~~fifty one hundred~~ thousand dollars ~~(\$50,000)~~ **(\$100,000)** per day of violation.

SECTION 10. IC 13-30-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A person who knowingly:

- (1) transports any hazardous waste to a facility that does not have an operation permit or approval to accept the waste;
- (2) disposes, treats, or stores any hazardous waste without having obtained a permit for the waste; or
- (3) makes a false statement or representation in an application, a label, a manifest, a record, a report, a permit, or other document filed, maintained, or used under environmental management laws with regard to hazardous waste;

commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of a Class D felony under this section may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be punished by:

- (1) a fine of **not less than two thousand five hundred dollars (\$2,500)** and not more than ~~twenty-five fifty~~ thousand dollars ~~(\$25,000)~~ **(\$50,000)** for each day of violation; or
- (2) if the conviction is for a violation committed after a first conviction of the person under this section, IC 13-30-6-1, IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not more than ~~fifty one hundred~~ thousand dollars ~~(\$50,000)~~ **(\$100,000)** per day of violation.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "department" refers to the department of**

1 environmental management.

2 (b) The department shall prepare a report that includes the
3 following:

4 (1) A comprehensive and detailed report that:

5 (A) describes plans for restoration of the White River; and

6 (B) sets forth the department's recommendations for
7 changes in statutes, rules, or procedures and practices of
8 the department to:

9 (i) reduce the probability of contamination events; and

10 (ii) improve the timeliness and efficiency of protocols and
11 procedures for notice to affected entities if such an event
12 occurs in the future.

13 (2) A complete list of all events of contamination of waters of
14 the state after December 31, 1994, in which fish or other
15 aquatic species were killed and in which civil penalties were
16 imposed under IC 13-30-4 (or under the law that governed the
17 imposition of civil penalties before the enactment of
18 IC 13-30-4), including the following:

19 (A) a description of the contamination event;

20 (B) the date the contamination event occurred;

21 (C) the entity on which the civil penalty was imposed; and

22 (D) the total amount of the civil penalty imposed.

23 (c) Before September 1, 2000, the department shall deliver the
24 report described in subsection (b) to:

25 (1) the executive director of the legislative services agency for
26 distribution to members of the legislative council;

27 (2) the environmental quality service council;

28 (3) the governor; and

29 (4) the lieutenant governor.

30 (d) The environmental quality service council shall:

31 (1) study the report delivered to it under subsection (c); and

32 (2) make recommendations to the general assembly before
33 January 1, 2001.".

34 Page 4, after line 39, begin a new paragraph and insert:

35 "SECTION 13. An emergency is declared for this act.".

36 Renumber all SECTIONS consecutively.

(Reference is to ESB 511 as printed February 17, 2000.)

Representative Kruzan